

**CITY OF SAN JOSÉ  
BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE  
BYLAWS**

**ARTICLE I  
PARLIMENTARY AUTHORITY**

- §1.1 **These Bylaws** govern the proceedings of the City of San Jose Bicycle and Pedestrian Advisory Committee (hereinafter referred to as “Committee”), an advisory Committee established by the City Council of the City of San Jose (hereinafter referred to as “City”).
- §1.2 Robert’s Rules of Order will guide procedures in all Committee meetings.
- §1.3 The provisions of the Ralph M. Brown Act, Government Code Section 54950, et. seq, shall be applicable to all Committee meetings and actions.

**ARTICLE II  
DUTIES AND AUTHORITY**

- §2.1 **DUTIES OF THE COMMITTEE**  
The duties of the Committee shall be:
1. To develop an annual 12-month work plan that will provide direction regarding the schedule and implementation of the duties of the Committee.
  2. To confer and discuss issues affecting bicycling and walking in the City; including the advancement of bicycling and walking through sound environmental, engineering, congestion management, encouragement, and educational policies and practices, as they are brought to the Committee.
  3. To make recommendations to the Director of Transportation (hereinafter referred to as “Director”) regarding the priority of all projects implementing the bicycle and pedestrian elements of the City’s General Plan.
  4. To make recommendations to the Director regarding the priority of bicycle and pedestrian facility improvement projects, including projects for which the City will seek funding under Article 3 of the Transportation Development Act, and other state, federal, and local funding programs as they are brought to the Committee.

5. To assist the Department of Transportation staff (hereinafter referred to as “staff”) in the development of bicycle and pedestrian facility improvement projects and act as a liaison for the bicycling and pedestrian community at public meetings regarding the installation of facility improvement projects.
6. To help shape policies and procedures that govern bicycle and pedestrian facility planning, design, access, use, and enforcement.
7. To promote bicycle and pedestrian safety education for cyclists, pedestrians, and drivers, and to encourage the safe use of shared facilities.
8. To coordinate with neighboring jurisdictions on bicycle and pedestrian issues.
9. To encourage community involvement in bicycle and pedestrian issues.

## §2.2 LIMITATIONS

The Committee serves in an advisory capacity to the Director. It shall have no independent duties and no authority to take actions that bind the City or capacity to act as a representative of the City. No expenditures or requisitions for services and supplies shall be made by the Committee, and no individual member thereof shall be entitled to reimbursement for expenses, except as authorized by the City.

## §2.3 DUTIES OF THE DIRECTOR

The duties of the Director are as follows:

1. To ratify the appointment of all Committee members.
2. To appoint a Secretary to the Committee.
3. To initiate special meetings and approve the cancellation of all regular scheduled and special meetings.
4. To approve all amendments to the Bylaws.
5. To facilitate the effective working of the Committee by:
  - A. Insuring department staff attendance at meetings as requested by the Committee.
  - B. Insuring inter-agency attendance at meetings as requested by the Committee.
  - C. Insuring that staff will provide for Committee review and comment, projects that influence the ability to bicycle and walk in San Jose.

- D. Bringing to the Committee for review and comment city projects that would affect the existing Bicycle Network Plan.
- E. Providing adequate staffing for the effective implementation of bicycle and pedestrian facility improvements.
- F. Insuring that bicycle and pedestrian facility improvement projects are completed in a timely manner.

### **ARTICLE III MEMBERSHIP**

#### **§3.1 MEMBERSHIP**

The Committee shall be composed of up to 11 members. All Committee members shall live or work, or both, in San Jose during their terms on the Committee. Committee members shall be representative of the City's bicycling and pedestrian public with balanced representation of each advocacy.

#### **§3.2 MEMBERS' TERMS**

The term of membership of each Committee member shall be as follows:

1. Of the initial 11 members, 5 will have a two-year term and 6 will have three-year terms.
2. All initial terms will commence on the first Committee meeting in July and end on the second or third successive June 30 depending on length of term.
3. All subsequent appointments will be for a two-year term, commencing on the first Committee meeting in July and ending on the second successive June 30.
4. Members may serve up to three consecutive terms.
5. Members may serve unlimited non-consecutive terms.

#### **§3.3 VACANCIES**

A vacancy in a member's position shall be filled for the remainder of the vacating member's term.

#### **§3.4 ALTERNATES**

A member unable to attend a Committee meeting may appoint an alternate to attend and vote in that member's absence. To appoint an alternate, a member must contact staff at least two business days in advance of the meeting and provide the name and contact information of the designated alternate.

### §3.5 ABSENCES

An absence occurs if either a member or his/her alternate is not present at a regular or special meeting. Members are asked to designate an alternate at all meetings that they themselves are unable to attend. If a member or his/her alternate is absent from four Committee meetings in a twelve-month period from the date of the member's appointment, or any subsequent single year, the member's position and his/her alternate shall automatically be vacated. That **member** shall receive letter of dismissal from the Director, and a successor shall be appointed to fill the remainder of the member's term.

### §3.6 CHAIR PRO TEMPORE

In the event that both the Chairperson and the Vice-Chairperson are absent from a regularly scheduled meeting or a special meeting, the Committee by a majority vote, shall elect a temporary Chairperson to preside over the meeting.

## ARTICLE IV OFFICERS

### §4.1 CHAIRPERSON AND VICE-CHAIRPERSON

The Committee shall elect from its membership a Chairperson and a Vice-Chairperson at its first meeting of the fiscal year, to serve for a one-year term. The Chairperson shall preside at all meetings of the Committee and when required, in adherence with these Bylaws, represent the Committee. In the event of a vacancy in the Chairperson's position, the Vice-Chairperson shall succeed as Chairperson for the balance of the Chairperson's term and the Committee shall elect a successor to fill the vacancy in the Vice-Chairperson's position. In the absence of the Chairperson, the Vice-Chairperson shall assume the responsibilities of the Chairperson.

### §4.2 AUTHORITY OF THE CHAIRPERSON

The Chairperson shall have the authority to cancel regularly scheduled meetings and call special meetings upon approval of the Director; sign all written correspondence approved by the Committee, including the minutes of Committee meetings; create sub-Committees; and appoint Chairpersons for those sub-Committees. The Chairperson shall also have the authority to recommend to the Director appointments for any vacated position on the Committee.

**§4.3 OFFICE OF THE VICE-CHAIR**

Should a vacancy occur in the office of the Chairperson, the Vice-Chairperson shall assume the duties of the Chairperson for the remainder of the Chairperson's term. In the event of a vacancy in the Vice-Chairperson's position, the Committee shall elect a successor from its membership to fill the Vice-Chairperson's position for the remainder of the Vice-Chairperson's term.

**§4.4 The Chairperson and Vice-Chairperson shall perform such other duties as may be required by the Director.**

**ARTICLE V  
SECRETARY**

**§5 DUTIES AND RESPONSIBILITIES**

The Secretary shall have the following duties and responsibilities

1. The Secretary shall attend all regularly scheduled and special meetings of the Committee and keep a record of all business that transpires at such meetings.
2. The Secretary shall attest all written correspondence and all minutes of all Committee meetings, which have been approved by the Committee and shall have custody of same for a period of 5 years.
3. The Secretary shall keep and have custody of all books, records, and paper of the Committee for a period of 5 years, and certify true copies thereof whenever necessary.
4. Any duly appointed representative of the Director may perform the powers and responsibilities of the Secretary.

**ARTICLE V I  
MEETINGS**

**§6.1 REGULAR MEETINGS**

The Committee shall meet at least ten times each fiscal year. The regular meeting place of the Committee shall be 4 N. Second Street, 10<sup>th</sup> Floor, San Jose at 6:00 p.m. on the second Monday of each month. Whenever a regular meeting falls on a holiday observed by the City, the meeting shall be held on another day or canceled at the direction of the Chairperson, with the approval of the Director. A rescheduled regular meeting shall be designated a regular meeting.

## §6.2 SPECIAL MEETINGS

The Director or the Chairperson with the Director's approval may call a special meeting. The meeting shall be called and noticed as provided in Section 6.3 below.

## §6.3 NOTICING OF MEETINGS

All Committee meetings shall be called and noticed in accordance with the applicable provisions of the Ralph M. Brown Act. The Secretary shall mail notices of every regularly scheduled meeting at least seventy-two hours prior to the scheduled meeting, and Special Meetings as is practical.

## §6.4 QUORUM VOTE; COMMITTEE OF THE WHOLE

The presence of six members constitutes a quorum for the transaction of business. All official acts of the Committee shall require a quorum and the affirmative vote of a minimum of four members. At any regular meeting at which there is a lack of quorum, the members present may constitute themselves a "Committee of the whole" for the purpose of discussing matters on the agenda. The "Committee of the whole" shall cease to exist when a quorum becomes present at the meeting.

## §6.5 ACTION ITEMS NOT LISTED ON THE AGENDA

Except as provided below, a matter requiring Committee vote shall be listed on the posted agenda before the Committee may take action upon it. The Committee may take action on items not appearing on the posted agenda under either of the following conditions:

1. Upon a determination by an affirmative vote of the Committee that an emergency or urgency exists.
2. Upon a determination by a two-thirds vote of the Committee, or if less than two-thirds of the members are present, a unanimous vote of those members present, there is a need to take immediate action on an item that came to the attention of the Committee after the agenda was posted.

The Committee may request that staff place an item of business for discussion and/or action on a subsequent agenda.

## §6.6 MOTIONS

No debate of a motion shall be permitted prior to a second of the motion. When a motion is made and seconded, the Chairperson shall state the motion before opening the floor to debate, and such debate shall be limited to members of the Committee. Members can speak in debate of a motion only upon being recognized by the Chairperson. After the motion has entered the voting process, there shall be no further debate except that members may be allowed to explain their vote.

#### §6.7 VOTING

Every member of the Committee who is present at a meeting when a motion comes up for a vote shall vote for or against the motion unless that member is disqualified or abstains from voting.

#### §6.8 TIME LIMITS FOR SPEAKERS

The Chairperson shall open the floor to public discussion during the Committee's consideration of an agenda item, or during the Open Agenda item, if the discussion is within the purview of the Committee. Each member of the public appearing at a Committee meeting shall be limited to three minutes in his or her presentation, unless the Chairperson, at his or her discretion, permits additional time. Any person addressing the Committee may submit written statements, petitions, or other documents to complement his or her presentation.

#### §6.9 PETITIONS AND COMMUNICATIONS

All written petitions and communications on the agenda of a meeting shall be filed with the Secretary at such meeting.

#### §6.10 DOCUMENTS PRESENTED TO THE COMMITTEE

All documents and reference materials presented to the Committee at any meeting by any person shall be filed by the Secretary at such meeting. At the direction of the Chairperson, true copies may be filed in lieu of the originals thereof.

#### §6.11 IMPERTINENCE; DISTURBANCE OF MEETING

Any person making personal, impertinent or indecorous remarks while addressing the Committee may be barred by the Chairperson from further appearance before the Committee at that meeting, unless permission to continue is granted by an affirmative vote of the Committee. The Chairperson may order any person removed from the Committee meeting who causes a disturbance or interferes with the conduct of the meeting. The Chairperson may direct the meeting room cleared when deemed necessary to maintain order.

#### §6.12 ACCESS TO PUBLIC RECORDS DISTRIBUTED AT MEETINGS

Writings which are public records and which are distributed during a Committee meeting shall be made available for public inspection at the meeting or immediately following the meeting.

#### §6.13 MEETING OPEN TO THE PUBLIC

All meetings of the Committee shall be open and public. All persons shall be permitted to attend any Committee meeting except as may be otherwise prohibited by the laws of the Ralph M. Brown Act.

#### §6.14 ORDER OF BUSINESS

At the regular meetings of the Committee, the following shall be the order of business:

1. Call to Order
2. Approval of Order of Business
3. **Oral Petitions**
4. **Approval of Minutes**
5. **New Business**
6. **Old Business**
7. **Staff Report**
8. **Chairperson's Report**
9. Committee Comments
10. **Adjournment**

The Chair may at any time alter the above order of business at any meeting to the extent necessary to comply with the provisions of Article VI, relating to public meetings.

### ARTICLE VII AGENDA AND MEETING NOTICES

#### §7.1 AGENDA FORMAT

The agenda shall specify the starting time and location of the meeting and state the subject matter of each item of business to be transacted or discussed at the meeting.

#### §7.2 PUBLIC PRESENTATIONS

Each agenda for a regular meeting shall provide an opportunity for members of the public to address the Committee under the agenda item heading “**Oral Petitions**”. At special Committee meetings, members of the public may address the Committee concerning any item that has been described in the notice for the meeting before or during consideration of that item.

#### §7.3 AGENDA PREPARATION

Staff will prepare the agenda and supporting documents for each meeting in consultation with the Chairperson. Material intended for placement on the agenda shall be delivered to staff on or before 5:00 p.m. on the 10th calendar day immediately preceding the regular meeting at which the matters on such agenda shall be considered by the Committee. Staff may withhold placement on the agenda of any matter that is not timely received, lacks sufficient information, or is in need of staff review and report or approval of the Director prior to Committee consideration.



**§7.4 AGENDA POSTING AND DELIVERY**

The written agenda for each regular meeting and each meeting rescheduled for more than five calendar days shall be posted by the Secretary at least 72 hours prior to the scheduled meeting time. The written agenda for each special meeting shall be posted by the Secretary at least 24 hours prior to the scheduled meeting time. The agenda shall be posted on the outdoor bulletin board at City Hall. The agenda together with supporting documents shall be delivered to each member at least 72 hours prior to the date set for each regular meeting, and 24 hours before special meetings.

**§7.5 MEETING NOTICES**

The Secretary shall mail notices of every regular meeting at least three days before the scheduled meeting to each person that has filed with staff a written request for notification. Notices for special meetings will be given, as staff deems practical, to each person who has filed with staff a written request for notification.

**ARTICLE VIII  
MISCELLANEOUS**

**§8.1 ADOPTION AND AMENDMENT OF BYLAWS**

The Director shall adopt these Bylaws. The Bylaws may be amended by the affirmative vote of six members of the Committee and approved by the Director.

**§8.2 ADOPTION OF AN ANNUAL WORK PLAN**

Each July meeting, the Chairperson will present a draft work plan to be approved by the affirmative vote of six members of the Committee and by the Director.